

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARK STONE)	
)	N O . 08 CV 2696
Plaintiff)	
)	Honorable Judge Der-Yeghiayan
v.)	
)	
STRIPE-A-LOT OF AMERICA, INC.,)	
D/B/A STRIPE-A-LOT OF ILLINOIS,)	<u>JURY DEMAND</u>
INC., GREGG KAY, INDIVIDUALLY,)	
DAN DAVIS, INDIVIDUALLY, AND)	
TIM GRUBEN, INDIVIDUALLY)	
)	
Defendants)	

PLAINTIFF'S INITIAL STATUS REPORT

NOW COMES Plaintiff, Mark Stone, by his attorney of record, John W. Billhorn, 515 N. State Street, Suite 2200, Chicago, IL. (312) 464-1450 and for his Initial Status Report, state as follows:

1. The nature of the claims are for acts of retaliation against Plaintiff. Federal jurisdiction for the claim comes pursuant to the Fair Labor Standards Act, 29 U.S.C. § 215 (a)(3).
2. Plaintiff seeks an award of back pay equal to the amount of all wages lost as a result of the retaliation, and attorney's fees and costs.
3. All parties have been served. All Defendants timely returned waiver of service on May 13, 2008. Defendants' responsive pleading was due July 14, 2008, which to date has not been filed.
4. The principal legal issue is whether Defendants' failure to recall Plaintiff to his former position in conjunction with various other employee recalls was a retaliatory act prohibited by 29 USC Section 215 (c).

5. The principal factual issue is whether in failing to recall Plaintiff, Defendants have violated the FLSA and if so what damages exist.

6. There are no pending motions.

7. Discovery has not yet been initiated.

8. Plaintiff is prepared to move for a default judgment and prove up of damages should Defendants remain in default. If Defendants do ultimately file the required responsive pleading, Plaintiff is prepared to serve written discovery upon Defendants and thereafter proceed with depositions of individuals identified.

9. Additionally, should the litigation go forth without default proceedings, Rule 26(a)(1) disclosures will be issued by Plaintiff by August 1, 2008. Deadlines for the completion of discovery should be set. Plaintiff proposes that all fact discovery including depositions, shall be completed by November 1, 2008.

10. The case will be set for trial within 45 days of ruling on dispositive motions.

11. The probable length of trial is 3-5 full days.

12. A jury has been requested.

13. There have not yet been settlement discussions.

14. At this time, Plaintiff does not consent to proceed before Magistrate Judge Ashman.

Respectfully submitted,

Electronically Filed 7/23/2008

s/ John W. Billhorn

John W. Billhorn, Attorney for
Plaintiff, Mark Stone

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